

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: § CASE NO. 22-10227-tmd

PHILIP DOUGLAS THOMPSON §
Debtor(s). § CHAPTER 7
§

WELLS FARGO BANK, N.A. §
Movant, §
§
v. §

PHILIP DOUGLAS THOMPSON §
JOHN PATRICK LOWE, Trustee §
Respondents. §

MOTION FOR RELIEF FROM AUTOMATIC STAY
AS TO REAL PROPERTY LOCATED AT 1023 BEVERLY DRIVE, WHEELING, IL 60090

NOTICE TO ALL PARTIES

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

Wells Fargo Bank, N.A. (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 1023 Beverly Drive, Wheeling, IL 60090 (the “Property”). The facts and circumstances supporting this Motion are set forth in the Affidavit in Support of Motion for Relief from Automatic Stay filed contemporaneously herewith (the “Affidavit”). In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on April 5, 2022.

2. The Debtor(s) has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note in the original principal amount of \$153,900.00 (the "Note"). A true and correct copy of the Note is attached hereto as Exhibit "A". Movant is an entity entitled to enforce the Note.

3. Pursuant to that certain Mortgage (the "Mortgage"), all obligations (collectively, the "Obligations") of the Debtor(s) under and with respect to the Note and the Mortgage are secured by the Property. A true and correct copy of the Mortgage is attached hereto as Exhibit "B".

4. The legal description of the Property is set forth in the Mortgage, a copy of which is attached hereto, and such description is incorporated and made a part hereof by reference.

5. As of November 16, 2022, the amount of the outstanding Obligations is \$134,236.34.

6. As of November 16, 2022, the following chart sets forth the number and amount of payments due pursuant to the terms of the Note that have been missed by the Debtor(s):

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
6	05/01/2022	10/01/2022	\$1,519.51	\$9,117.06
1	11/01/2022	11/01/2022	\$1,529.71	\$1,529.71
Less partial payments:				(\$0.00)

Total: \$10,646.77

7. Pursuant to Debtor's Schedule D, the value of the property is \$238,000.00.

8. The Property is not included on the Debtor's Statement of Intention so Movant is unaware of Debtor's intentions for the property.

9. Notwithstanding the appearance of equity, cause exists for relief from the automatic stay for the following reasons:

(a) The Debtor is not making payments to the Movant and Movant is no longer adequately protected by ongoing monthly payments.

(b) The Chapter 7 is now an “asset” case; and as such, it is unclear how long the Trustee’s administration will take to complete.

(c) The Property is not necessary for an effective reorganization.

WHEREFORE, **Wells Fargo Bank, N.A.** prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

4. For such other relief as the Court deems proper.

Respectfully submitted,

/s/ Jeffrey S. Fraser, Esq.

Jeffrey S. Fraser, Esq.

Florida Bar No. 85894

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing document has been served upon the following parties of interest either via pre-paid regular U.S. Mail or via electrometric notification on or before December 5, 2022.

Philip Douglas Thompson
5750 Porano Circle
Round Rock, TX 78665

Elizabeth June Hickson
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Austin, TX 78759

John Patrick Lowe
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